



Atorney's Docket No.: 07703-245004

INTERFERENCE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fletcher et al.
Serial No. : 09/518,627
Filed : March 3, 2000
Title : ADAPTABLE COIN MECHANISM

Art Unit :
Examiner :

3652

Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR INTERFERENCE WITH U.S. PATENT NO. 5,733,186

Applicants respectfully request that an interference be declared between the above-identified application ("the Fletcher et al. application") and U.S. Patent No. 5,733,186 ("the '186 patent").

The Fletcher et al. application is a continuation of U.S. Serial No. 09/172,981, filed October 14, 1998, which is a continuation of U.S. Serial No. 08/710,787, filed September 20, 1996.

Pending application claims 1-9, 11-15, 18-20, 22-24 and 36-38 are substantially the same as the identically numbered claims that were rejected in an Office action dated April 26, 1999, in Application No. 09/721,981. In that Office action, then-pending claims 1-9, 11-15, 18-20, 22-24 and 36-38 were rejected as anticipated by the '186 patent. The Office action stated that the rejections could only be overcome through interference proceedings.

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Compliance with 37 C.F.R. 1.607(a)

The information required by 37 C.F.R. 1.607(a) is set forth under subheadings that correspond to the subsections of 37 C.F.R. 1.607(a).

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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April 24, 2000

Dale Maher

Dale Maher

(1) Identification of the Interfering Patent: The patent which claims subject matter interfering with the subject matter claimed in the instant application is U.S. Patent No. 5,733,186 ("the '186 patent") which issued on March 31, 1998 to Mark H. Leibu, entitled "Multiple Coin Tube Changer Operable Within Existing Vending Machine" and based on application no. 08/633,299 filed on April 17, 1996.

Coin Acceptors, Inc. of St. Louis, MO, is the assignee named on the face of the patent with which an interference is sought.

(2) Proposed Counts: Applicants propose the following two counts:

Count 1:

A coin mechanism for use in an automatic transaction system, the coin mechanism comprising:

coin tubes for storing respective denominations of coins;
a dispenser for dispensing coins from the coin tubes; and
a processor that is coupled to the dispenser and that is arranged to be coupled to a controller in the automatic transaction system so as to receive dispense signals from the automatic transaction system controller, wherein the processor is configured to accumulate a value corresponding to the received dispense signals and to cause at least one coin to be dispensed from the coin tubes based on the accumulated value.

Count 2:

A coin mechanism capable of connection to a controller that is configured to operate in a three coin tube environment, wherein the coin mechanism comprises:

four coin tubes each for storing coins of a respective denomination;
a dispenser for dispensing coins from the coin tubes; and
a processor that is coupled to the dispenser and that is configured to receive dispense signals from the controller when connected thereto, and to cause one or more coins to be dispensed from the coin tubes in response to the received dispense signals.

(3) Identification of Claims in the '186 Patent which Correspond to Proposed Count 1:

Applicants identify claims 1-17 and 19 of the '186 patent as corresponding to Count 1. Those claims do not correspond exactly to the proposed count. Attached, as Appendix 1, is a side-by-side comparison of the language of the proposed count and of the analogous claim terms.

Identification of Claims in the '186 Patent which Correspond to Proposed Count 2:

Applicants identify claims 18 and 20 of the '186 patent as corresponding to Count 2. Those claims do not correspond exactly to the proposed count. Attached, as Appendix 2, is a side-by-side comparison of the language of the proposed count and of the analogous claim terms.

(4) Identification of the Claims in the Fletcher et al. Application which Correspond to Proposed Count 1: Applicants identify claims 1-4, 9, 11-14, 18-20, 22-24 and 36-38 of the pending application as corresponding to Count 1. Those claims do not correspond exactly to the proposed count. Attached, as Appendix 3, is a side-by-side comparison of the language of the proposed count and of the analogous claim terms.

Identification of the Claims in the Fletcher et al. Application which Correspond to Proposed Count 2: Applicants identify claims 5-8 and 15 of the pending application as corresponding to Count 2. Those claims do not correspond exactly to the proposed count. Attached, as Appendix 4, is a side-by-side comparison of the language of the proposed count and of the analogous claim terms.

(5) Application of the Terms of Applicants' Newly Presented Claims to Applicant's Disclosure: The claims that have been identified as corresponding to the proposed Counts are already in the application.

(6) The Requirements of 35 U.S.C. 135(b): The Fletcher et al. application has at least one claim which is the same as, or for substantially the same subject matter as the '186 patent. For example, application claims 36 and 38 are for the same or substantially the same subject matter, respectively, as claims 1 and 15 of the '186 patent. Similarly, application claim 5 and claim 20 of the '186 patent are for the same or substantially the same subject matter.

The '186 patent issued on March 31, 1998. The one-year period specified in 35 U.S.C. 135(b) ended on March 31, 1999.

The Fletcher et al. application is a continuation of U.S. Serial No. 09/172,981, filed October 14, 1998, which is a continuation of U.S. Serial No. 08/710,787, filed September 20, 1996. Claims 1-9, 11-15, 18-20, 22-24 and 36-38 of the Fletcher et al. application correspond substantially to the identically numbered claims that were pending in Application No. 08/710,787 after an Amendment was filed on April 16, 1998, within the one-year period specified in 35 U.S.C. 135(b). Those claims were based on the identically numbered claims that were pending in Application No. 08/710,787 after a Preliminary Amendment was filed on July 9, 1997, prior to issuance of the '186 patent.

Applicants' Effective Filing Date is September 20, 1996

The Fletcher et al. application is a continuation of U.S. Serial No. 09/172,981, filed October 14, 1998, now abandoned, which is a continuation of U.S. Serial No. 08/710,787, filed September 20, 1996, now abandoned.

A Statement Under 37 C.F.R. 1.608(b) is submitted herewith.

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Serial No. : 09/518,627
Filed : March 3, 2000

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Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 24, 2000

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Enclosures: Appendices 1 through 4
Statement Under 37 C.F.R. 1.608(b), including five declarations.

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